

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

MELESIO DAVALO, individually and on
behalf of others similarly situated,

Plaintiff,

-v-

No. 20 Civ. 5331 (LTS)(KHP)

LA CASA BONITA CORP., et al.,

Defendants.

-----X

ORDER

This matter having been commenced by the filing of a complaint on July 10, 2020, and the defendants having failed to interpose a timely answer to the complaint or otherwise move in this proceeding, and the plaintiffs having sought permission to move for a default judgment, and the Court having determined that an investigation of the factual basis of the allegations of the complaint herein pursuant to Fed. R. Civ. P. 55(b)(2) is appropriate, it is hereby

ORDERED, that the plaintiff may make a motion for a default judgment; and it is further

ORDERED, that the plaintiff's motion must be accompanied by evidence, in admissible form, of such facts as it would have proffered to meet its burden of proof on her direct case had a trial been held in this action; and it is further

ORDERED, that such motion for default judgment must be served on the defendants and must be accompanied by copies of the Clerk's Certificate and of proof of service of the summons and complaint and the motion for default judgment as provided by the undersigned's Individual Practices Rules; and it is further

ORDERED, that said motion shall be briefed in accordance with the schedule set forth in Local Civil Rule 6.1 and will be taken on submission unless otherwise directed by the Court; and it is further

ORDERED, that plaintiff must serve a copy of this Order on defendants and file proof of such service within fourteen (14) days from the date hereof.

Dated: New York, New York
October 22, 2020

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

